

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FREDRICK WAYNE SMITH,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

Case No. 1:22-cv-01580-SAB (PC)

**ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO PAY THE FILING FEE OR
SUBMIT AN IN FORMA PAUPERIS
APPLICATION**

(ECF No. 5)

Plaintiff Fredrick Wayne Smith is proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. On December 12, 2022, the Court directed Plaintiff to submit an application to proceed in forma pauperis or pay the \$402.00 filing fee within forty-five (45) days. (ECF No. 5) On December 19, 2022, the Court received a check for \$400.00, which was returned to Plaintiff with instructions to submit the total amount of \$402.00. (ECF No. 6.)

Plaintiff has not submitted an application to proceed in forma pauperis or paid the filing fee. Accordingly, it is **HEREBY ORDERED** that:

1. Plaintiff shall show cause within fourteen (14) days why the action should not be dismissed for failure to prosecute; and
2. The Clerk of Court shall not return any check received by Plaintiff for the filing fee in this action without a judicial order.

IT IS SO ORDERED.

Dated: **February 7, 2023**



UNITED STATES MAGISTRATE JUDGE

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